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2014 FEB -6 PM 2:10
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

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17 Attorneys for Plaintiff ANNA KIHAGI

18
19 **UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

21 ANNA KIHAGI, an individual

22 Plaintiff,

23 v.

24 CITY OF WEST HOLLYWOOD,
25 CALIFORNIA, a California public
26 facilities corporation,

27 Defendant.

CV 14 - 00936 - PSG
COMPLAINT FOR: (JEM)

(1) VIOLATION OF FAIR
HOUSING ACT, 42 U.S.C §
3601;

(2) VIOLATION OF
CALIFORNIA FAIR
EMPLOYMENT AND
HOUSING ACT, CAL.GOV'T
CODE § 12926, 12927, 12955,
12955.7 AND 12955.8; and

(3) VIOLATION OF WEST
HOLLYWOOD MUNICIPAL
CODE § 9.28.030.

DEMAND FOR JURY TRIAL

COMPLAINT

1 **PRELIMINARY STATEMENT**

2 In this housing discrimination action, Plaintiff, Anna Kihagi, claims that
3 Defendant, City of West Hollywood, California ("City") has discriminated against
4 her on the basis of her race, gender and sexual orientation in the manner in which it
5 has enforced its building, property maintenance and construction codes. Ms.
6 Kihagi is the principal in several limited liability corporations which owns real
7 property located in the City. Specifically, this action concerns the code
8 enforcement actions by the City against her and her properties which was enforced
9 in such a manner which discriminated against Ms. Kihagi on the basis of race,
10 gender and sexual orientation. The City has attempted to prosecute Ms. Kihagi
11 criminally for these code violations, when it does not do so against persons who are
12 not a protected class under the federal Fair Housing Act.

13 The Plaintiff also seek declaratory, temporary, preliminary and permanent
14 injunctive relief to enjoin the Defendants' conduct, as well as monetary damages,
15 costs and reasonable attorneys' fees.

16 **JURISDICTION AND VENUE**

17 1. This Court has subject matter jurisdiction over this action under 28
18 U.S.C. Sections 1331 and 1343, and 42 U.S.C. Section 3613.

19 2. Declaratory and injunctive relief is sought pursuant to 28 U.S.C.
20 Section 2201 and 42 U.S.C. Section 3613(c)(1), as well as Rules 57 and 65 of the
21 Federal Rules of Civil Procedure.

22 This Court has pendent jurisdiction over the state claims alleged in this matter
23 pursuant 28 U.S.C. Section 1367(a).

24 4. Venue is proper in the United States District Court for the Central
25 District of California as all acts complained of occurred within this District.

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28 ////

PARTIES

5. Plaintiff, Anna Kihagi, is an African-American, heterosexual female. She is the managing member of 1263 North Crescent, LLC (“North Crescent”) and Aquat 009, LLC, which owns or manages real property located within the boundaries of the City. She was the defendant in a criminal action brought by the Defendant for alleged building and construction violations relative to these properties.

6. Defendant, City of West Hollywood, California, is a public facilities corporation organized and existing pursuant to the laws of the State of California. The City is responsible for the acts of its agents and employees, and is responsible for the enforcement of its construction, building and property maintenance codes.

STATEMENT OF FACTS

7. The population of the City of West Hollywood, according to the most recent census data, is 34,650.

8. According to census data, approximately 3.2% of the West Hollywood population is African-American. The white population is approximately 84.2% of the total population. The female population is approximately 43.8% of the population.

9. West Hollywood was the first city in the United States to have a city council with a majority of gay members.

10. Upon information and belief, the gay male population comprises approximately 41% of the total population.

11. On July 17, 2008, North Crescent notified the City that it was withdrawing eight (8) units located at 1263 N. Crescent Heights Blvd from the rental market pursuant to West Hollywood Municipal Code (“WHMC”) Section 17.52.010(15), also known as the “Ellis Provision.” At the time of the notification, four of the eight units were already vacant, with the prior tenants having vacated the units on their own accords.

1 12. Pursuant to the Ellis Provision and agreement with the City, the
2 withdrawal of the units became effective July 17, 2009. Of the five remaining
3 tenants as of July 17, 2009, four were gay.

4 13. One of the last tenants to vacate the property, John Sheehe, who is
5 gay, complained to the City that the Plaintiff's invocation of the Ellis Provision was
6 illegal and done for the purpose of taking the units off the market, so that she could
7 re-rent them at a later date at the prevailing market rate.

8 14. Commencing July 17, 2009, the Plaintiff through North Crescent,
9 began renovating 1263 N. Crescent Heights. The appropriate work and building
10 permits were obtained from the City and were displayed as required by law.

11 15. On or about January 11, 2010, the City, through its Department of
12 Code Compliance, issued seven (7) citations for violations of WHMC
13 §19.30.030(P), Property Maintenance Standards, and WHMC §7.24.010, Standards
14 for Vacant, Abandoned or Undeveloped Property.

15 16. WHMC §19.30.030(P) makes it a code violation when "A violation of
16 any other provision of the Municipal Code or the Building Code that pertains to real
17 property, structures, or which otherwise concerns the public health, safety, and
18 general welfare."

19 17. WHMC §7.24.010 applies only to vacant, abandoned or
20 underdeveloped property, and does not apply to property that is undergoing
21 renovation or rehabilitation as long as the owner has obtained the proper work and
22 building permits and that the permits are prominently displayed.

23 18. All work was completed at North Crescent in early 2012.

24 19. In 2012, the City commenced criminal proceedings against the
25 Plaintiff for the citations that were issued in 2010 concerning the North Crescent
26 property. The City alleged that the Plaintiff had violated the WHMC by performing
27 plumbing work after the original permit had expired; that electrical work was
28

1 performed after the original permit had expired; and, that trash had accumulated in
2 the backyard.

3 20. The Plaintiff renewed all the expired permits and proceeded to finish
4 with the plumbing and electrical work. The work was completed in April, 2012.

5 21. The City and the Plaintiff entered into a deferred sentencing agreement
6 to resolve the criminal citations. The term of the agreement was 18 months and
7 would expire on November 12, 2013.

8 22. Just prior to the expiration of the deferred sentencing agreement, the
9 City made an *ex parte* application to the Court in an attempt to revoke the
10 agreement. The City alleged that the Plaintiff was either engaging in unpermitted
11 construction at other properties, or that the properties were being maintained in
12 violation of the property maintenance code.

13 23. The Court denied the City's application for *ex parte* relief.

14 24. On or about July 18, 2013, the City approved a building permit
15 application for 1231 N. Vista, a property in which the Plaintiff is the managing
16 director.

17 25. The approved building permit allowed for minor remodeling of two
18 bathrooms and the kitchen- reface cabinets only, remove and replace front door,
19 change out closet doors and change water heater enclosure.

20 26. On or about July 31, 2013, the property was inspected by Code
21 Compliance Officer Jeffrey Jones.

22 27. Mr. Jones is a white, male. Upon information and belief, Mr. Jones is
23 gay.

24 28. During his inspection, Mr. Jones alleged that he observed a property
25 maintenance code violation at the 1231 N. Vista property.

26 29. Mr. Jones alleged that the N. Vista property's parkway contained a
27 tripping hazard, as well as lack of landscaping and overgrown and dead vegetation
28

1 all in violation of WHMC property maintenance requirements. He sent a warning
2 notice to the Plaintiff concerning these alleged code violations.

3 30. This warning was issued notwithstanding that the same tripping
4 hazards existed at the property that was adjacent to 1231 N. Vista.

5 31. Upon information and belief, the adjacent property is either owned or
6 managed by non-African-Americans.

7 32. On or about August 7, 2013, Mr. Jones returned to the property and
8 observed that construction work was continuing even though proper permits had not
9 been obtained. He issued a stop work order.

10 33. On or about August 14, 2013, after consulting with "Building and
11 Planning and Safety" he issued a notice of violation.

12 34. On or about August 13, 2013, Mr. Jones returned to the property and
13 observed that no corrective action had been taken concerning the tripping hazard on
14 the parkway, nor with the removal of the vegetation and plant material.

15 35. On or about August 13, 2013, Mr. Jones issued a notice of violation to
16 the Plaintiff.

17 36. On or about August 15, 2013, Mr. Jones inspected real property
18 located at 1220 N. Formosa, a property managed by an LLC in which the Plaintiff is
19 managing director.

20 37. On or about August 15, 2013, Mr. Jones issued a citation for a
21 "tripping hazard" on the parkway, and for failure to properly landscape the
22 property.

23 38. Properties that are adjacent to 1220 N. Formosa have similar tripping
24 hazards and "improper" landscaping. These properties are owned or managed by
25 non-African-Americans and were not the subject of citations for violations for
26 property code maintenance violations.

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1 39. The nature of the landscaping violations and trip hazards was that the
2 soil level had to be raised in the City planters to the same level as the concrete
3 walkway so as not to constitute a trip hazard. This was corrected by the Plaintiff.

4 40. On another occasion in the summer of 2013, Mr. Jones and another
5 inspector, Phillip Branenburg, inspected 1237 N. Orange, a property in which the
6 Plaintiff is the managing director. They inspected the interior stairs and hand
7 railings to determine if these items were of the proper size. They also inspected a
8 small set of stairs leading to the parking lot. The exterior rear staircase measures 10
9 feet by 5 feet. The inspectors individually measured 15 steps to determine if each
10 step, which was required by WHMC to be 7 inches high and 11 inches wide, was in
11 compliance. Two of the stairs did not meet these requirements, and were promptly
12 repaired. They then measured each rail, of which there were over 100, to determine
13 if rail was 4 inches apart. Four rails did not meet this requirement. These were
14 promptly repaired. When the Plaintiff made an appointment for reinspection,
15 neither Mr. Jones nor Mr. Brandenburg showed up at the appointed time.

16 41. At a sentencing hearing on revocation of the deferred sentencing
17 agreement in the fall of 2013, the Defendant attempted to use the incidents
18 described above as a basis for revocation of the agreement and to have the Plaintiff
19 sentence for violating the agreement. The City alleged that the Plaintiff did not
20 obtain the building permits for these properties in a timely manner. The City did
21 not give the Plaintiff notice that it was intending to use these "incidents of no
22 permit" as a basis for revocation of the deferred sentencing agreement. The Court
23 rejected this argument finding that due to the nature of the work and the type of
24 firms that had to be involved, the Plaintiff's efforts were diligent and reasonable.
25 The Court rejected this attempt to revoke the agreement and to incarcerate the
26 Plaintiff as the Court found that the City failed to provide proper notice. In
27 addition, the Court found that the Plaintiff had complied with the Building Code by
28 obtaining the proper building permits. The Court also found that the City had

1 unclean hands by failing to attend subsequent appointments to approve the work
2 that had been performed.

3 42. At a subsequent sentencing hearing, the City attempted a second time
4 to revoke the deferred sentencing based on violations involving the 1237 N. Orange
5 property described above.

6 43. Plaintiff is an aggrieved person as she is a protected class as under the
7 Fair Housing Amendments act of 1988, 42 U.S.C. Section 3602(d) and (I), who has
8 been injured by Defendant's discriminatory conduct and has suffered damages,
9 economic loss and a loss of civil rights as a result of the Defendant's conduct.

10 44. 1263 N. Crescent Heights, 1231 N. Vista, 1220 N. Formosa and 1237
11 N. Orange are dwellings within the meaning of section 802(b) of the Fair Housing
12 Act, 42 U.S.C. Section 3602(b).

13 45. The City of West Hollywood is treating the Plaintiff in a
14 discriminatory fashion, and is utilizing its police and code enforcement powers in a
15 manner that imposes more stringent requirements upon racial minorities and women
16 than it imposes upon non-African-Americans and males who own or manage
17 dwellings in the City of West Hollywood.

18 46. The City of West Hollywood has acted under color of state law in
19 failing to affirmatively further fair housing in its code enforcement activities with
20 the purpose and effect of discriminating against Plaintiff solely because of her race
21 and gender, and applying those codes so as to deny Plaintiff the residential
22 opportunities available to persons who are white.

23 47. The City of West Hollywood has utilized its police powers and code
24 enforcement authority to threaten, intimidate, harass and coerce the Plaintiff after
25 she has exercised her rights under the Federal Fair Housing Act.

26 48. The City of West Hollywood is intentionally harassing, intimidating
27 and interfering with the Plaintiff and persons associated with the plaintiff with the
28 intent of preventing her from using, owning and managing property within the City.

1 **CLAIMS FOR RELIEF**

2 **FIRST CLAIM FOR RELIEF**

3 **(Violation of the Fair Housing Act, 42 U.S.C. § 3601)**

4 49. Plaintiff realleges and incorporates herein by reference paragraphs 1
5 through 48 above as if fully set forth herein.

6 50. Defendant, The City of West Hollywood, is violating Plaintiff's rights
7 under the Fair Housing Act, 42 U.S.C. Sections 3601, et. seq, and its implementing
8 regulations by:

9 a. denying and otherwise making housing unavailable to the Plaintiff
10 because of her race and gender;

11 b. using its police powers as a pretext to exclude the Plaintiff because of
12 her race and gender;

13 c. interfering with the right of the Plaintiff to provide housing;

14 d. discriminating in the terms, conditions or privileges of sale or rental of
15 housing or in the provision of services or facilities in connection with housing
16 because of her race and gender; and,

17 e. retaliating against Plaintiff because of her exercise of her fair housing
18 rights.

19 **SECOND CLAIM FOR RELIEF**

20 **(Violation of California Fair Employment and Housing Act)**

21 51. Plaintiff realleges and incorporates herein by reference paragraphs 1
22 through 50 above as if fully set forth herein.

23 52. Defendant, The City of West Hollywood, is violating Plaintiff's rights
24 under the California Fair Employment and Housing Act, Cal. Gov't Code Sections
25 12926, 12927, 12955, 12955.7 and 12955.8 by:

26 a. denying and otherwise making housing unavailable to the Plaintiff
27 because of her race, sexual orientation and gender;

28 ////

- b. using its police powers as a pretext to exclude the Plaintiff because of her race, sexual orientation and gender;
- c. interfering with the right of the Plaintiff to provide housing;
- d. discriminating in the terms, conditions or privileges of sale or rental of housing or in the provision of services or facilities in connection with housing because of her race, sexual orientation and gender and,
- e. retaliating against Plaintiff because of her exercise of her fair housing rights.

THIRD CLAIM FOR RELIEF

(Prohibition on the basis of Sexual Orientation and Gender Identity)

53. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 52 above as if fully set forth herein.

54. The City of West Hollywood is violating Plaintiff's rights under WHMC Section 9.28.030 by:

- a. denying and otherwise making housing unavailable to the Plaintiff because of her race, sexual orientation and gender;
- b. using its police powers and code enforcement authority as a pretext to exclude the Plaintiff because of her race, sexual orientation and gender;
- c. interfering with the right of the Plaintiff to provide housing on the basis of her race, sexual orientation and gender;
- d. discriminating in the terms, conditions or privileges of sale or rental of housing or in the provision of services or facilities in connection with housing because of her race, sexual orientation, and gender; and,
- e. retaliating against Plaintiff because of her exercise of her fair housing rights.

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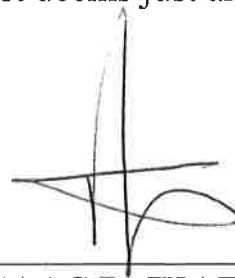
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RELIEF SOUGHT AS TO ALL COUNTS

WHEREFORE, Plaintiff prays that the Court award her the following relief:

1. Enter a temporary restraining order and/or preliminary and permanent injunctions restraining Defendant, City of West Hollywood, California from taking actions either directly or indirectly which would interfere in any way with Plaintiff's current use of the dwellings located 1263 N. Crescent Heights, 1231 N. Vista, 1220 N. Formosa and 1237 N. Orange, West Hollywood, California;
2. Enter a declaratory judgment that Defendant, The City of West Hollywood, California, has illegally discriminated against Plaintiff by arbitrarily and capriciously utilizing its police powers and code enforcement authority at 1263 N. Crescent Heights, 1231 N. Vista, 1220 N. Formosa and 1237 N. Orange, thereby interfering with the Plaintiff's equal opportunity to use and enjoy the properties, in violation of the Fair Housing Act;
3. Enter a temporary restraining order and/or preliminary and permanent injunctions enjoining Defendant, the City of West Hollywood, California, its officers, employees, agents, attorneys and successors, and all persons in active concert or participating with any of them, from interfering with the operation of 1263 N. Crescent Heights, 1231 N. Vista, 1220 N. Formosa and 1237 N. Orange;
4. Award compensatory damages;
5. Grant an award of reasonable costs and attorneys' fees; and,
6. Order other such relief as the Court deems just and proper.

Dated: February 6, 2014

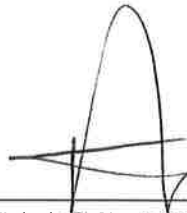


ISAAC R. ZFATY
Attorneys for Plaintiff Anna Kihagi

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in the instant action.

Dated: February 6, 2014



ISAAC R. ZFATY

Attorneys for Plaintiff Anna Kihagi

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

ANNA KIHAGI, an individual

Plaintiff(s)

v.

CITY OF WEST HOLLYWOOD, CALIFORNIA,
a California public facilities corporation,_____
*Defendant(s)*Civil Action No. **CV 14 - 00936-PSG**
(JEM)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* **CITY OF WEST HOLLYWOOD, CALIFORNIA**
8300 Santa Monica Boulevard
West Hollywood, California 90069

A lawsuit has been filed against you.

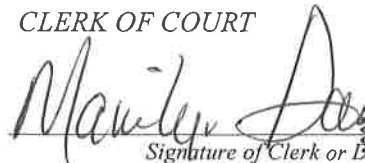
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

**ZFATY | BURNS
ISAAC R. ZFATY
3 Park Plaza, Suite 780
Irvine, CA 92614**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: FEB - 6 2014

CLERK OF COURT


Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____,
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

ANNA KIGAHI, an individual

DEFENDANTS (Check box if you are representing yourself ☐)

THE CITY OF WEST HOLLYWOOD, CALIFORNIA, a public facilities corporation

(b) County of Residence of First Listed Plaintiff Los Angeles

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

ZFATY | BURNS, Isaac R. Zfaty (SBN 214987)
3 Park Plaza, Suite 780, Irvine, CA 92614
(949) 398-8080

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☒ MONEY DEMANDED IN COMPLAINT: \$ TBD at Trial

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violation of Fair Housing Act, 42 U.S.C. section 3601; Violation of Ca. Fair Employment and Housing Act, Cal.Gov't Code Sections 12926, 12927, 12955, 12955.7 & 12955.8, and Violation of West Hollywood Municipal Code section 9.28.030.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

CV 14 - 00936

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

#21
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column C
- ☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

C.2. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column D
- ☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the WESTERN DIVISION.
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

#22
 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA
 CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
 (OR SELF-REPRESENTED LITIGANT):**

DATE: 02-06-2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Philip S. Gutierrez and the assigned Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

2:14-CV-00936-PSG (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

February 6, 2014

Date

By MDAVIS

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.